United Nations A/HRC/38/33/Add.4

General Assembly

Distr.: General
20 June 2018

English only

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on extreme poverty and human rights on his mission to Ghana: comments by the State*

* Circulated in the language of submission only.

GE.18-10054(E)
1810054

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I. Observations by the Ministry of Finance

Paragraph 3:

1. "Special Rapporteur regrets that the Finance Ministry refused many requests for him to meet with even a single official from the Ministry during his ten day mission"

Response:

2. The Ministry of Finance finds it regrettable that such an assertion made by the Special Rapporteur on Extreme Poverty and Human Rights has no basis. It may be noted that following the receipt of an earlier request in July 2017, appointment was secured with the Hon. Minister, only to be informed by the Ministry of Foreign Affairs and Regional Integration, a day to the meeting, that the visit had been postponed.

3. Subsequently, another request by the Special Rapporteur was received a fortnight to the World Bank/International Monetary Fund 2018 Spring Meetings. The Ministry of Finance subsequently communicated the unavailability of its Management to meet the Special Rapporteur due to its participation in the World Bank/International Monetary Fund 2018 Spring meetings.

Paragraphs 12-15:

4. "Poverty levels are especially high in the agricultural sector which has shown significantly slower growth than other sectors and has been accorded a low priority by the government".

Response:

5. The Ministry of Finance wishes to state that the agriculture sector has been accorded a high priority by the Government, considering the fact that it is one of the fundamental drivers of Ghana's economy. Currently, GDP data on the agriculture sector estimates an increased growth of GHc8.44 billion in 2017 from GHc7.36 billion in 2014.

6. However, the Government of Ghana believes it can do better, hence its three-pronged economic development programme that modernizes the agriculture sector to improve efficiency, achieve food security and value-addition. Efforts focused on a "shared prosperity" approach is also evident in the Government's initiatives such as the One District, One Factory; One Village, One Dam; as well as the Planting for Food and jobs flagship programme which has created 750,000 Jobs in its first year of implementation.

Paragraph 74:

7. "There were also concerns that the office might be used to focus primarily on officials of the previous government rather than on continuing problems of corruption".

Response:

8. Funding for the Office of the Special Prosecutor has been allocated and appropriated in the 2018 Budget Statement and Economic Policy.

9. The Ministry of Finance takes exception to the unsavory comments by the UN Special Rapporteur on the Ministry's refusal to meet with him as "symptomatic of where our priorities lie". We believe that such comments undermine our integrity, professionalism and are undiplomatic. More so, when we are continuously engaging with a diverse array of actors and stakeholders to discuss issues that would contribute to the realization of Ghana Beyond Aid agenda.

II. Observations by the Ministry of Chieftaincy and Religious Affairs

Observation on paragraph 32

10. The Special Rapporteur appears to be highly challenged in understanding the objectives of the Ministry and the Constitutional and legal provision on chieftaincy, even though this was explained extensively to him.

11. The Rapporteur appears prejudicial and wrote based on his own opinion and views. As was explained extensively to him, there is the Ministry of Gender, Children and Social Protection with sole responsibility on the issue raised by him, and that there are policies regarding those issues.

12. In any case, there is no **Council of Chiefs** and there is no discrimination against women owning and exercising rights over land in Ghana.

Observation on paragraph 34

13. The Rapporteur seems to confirm his own opinion on access to land and land use by women, and that there is a deliberate effort to make it difficult for women to have access to land. As was explained when he posed the question from his view point that in Ghana, whilst customary practices persist it serves as no barrier or hindrance to deny or make it difficult for women to possess land, and that the same rules, regulations or practices equally apply to men who may also wish to possess land.

III. Observations by the judicial service of Ghana

Observation on paragraph 45

14. Serious efforts are underway to improve the criminal justice system in Ghana to make it efficient and overcome its inherent weaknesses.

15. Among other measures, the Ghana Case Tracking System has been launched, which will help track electronically and in real time all criminal cases right from inception to its completion.

16. The Ghana Case Tracking System will provide inter-agency collaboration and information-sharing, through an integrated Information Communication Technology system, which will enable the Key Stakeholder Agencies to electronically access and track the stage, status and progress of criminal cases from arrest to incarceration – across the complete case lifecycle. This will effectively deal with the problem of remand prisoners who in the past might be locked-up and "forgotten" for years.

17. Furthermore, the E-Justice System which will become operational in July 2018 will lead to a general improvement in all operations of the Courts. Cases will be completed in good time and case management by the Courts will be more efficient. The Judicial Service of Ghana expects that the improvement in efficiency will bring significant benefits to the financially vulnerable.

Sentencing Guidelines

18. The Judiciary has published a booklet on Sentencing Guidelines and the Judicial Training Institute provides regular sensitization sessions to Judges on this to ensure that the sentencing regime is fair and reasonable and does not lead to excessive punishment of the poor for petty offences.

Non-Custodial Sentencing

19. A draft Non-Custodial Sentencing Bill has been prepared and is being reviewed by the Drafting Section of the Attorney-General's Office. This will ensure that the overcrowding in the prisons is reduced and people involved in misdemeanours do not receive custodial sentences but punished in a different form.

Observation on paragraph 46

20. It is a fair observation to make, that the Legal Aid Scheme in Ghana has been quite ineffective in the majority of cases because of a lack of resources and institutional will to introduce the needed far-reaching reforms.

21. The General Legal Council is making efforts to address this problem. The Ghana Bar Association has been strongly urged to consider as one of its criteria for determining members of good standing, the handling of pro bono cases.

22. Lawyers should be asked to do a certain number of pro bono cases (Legal Aid cases) in a given year. If this proposal is accepted and implemented, it will go a long way to improve the Legal Aid Scheme in Ghana.

23. There are also measures afoot to encourage Judges and Magistrates to make use of their power to assign lawyers from the Bar to provide pro bono services to indigent persons on trial on felony charges. The Judicial Service of Ghana understands that the Legal Aid Scheme need to be better resourced and provided adequate funding by the Government to enable it carry out its mandate.

Observation on paragraph 71

24. The Judicial Service of Ghana has taken many concrete steps to deal with Judicial Corruption. The Service in December 2017 launched its Anti-Corruption Plan 2017-2019 as part of the National Anti-Corruption Action Plan (NACAP). The Plan seeks to ensure that there is zero tolerance for corruption by the Service.

25. Among other things, it seeks to achieve the following:

i. Increase the focus on integrity;

ii. Reduce opportunities for corruption;

iii. Increase transparency and accountability;

iv. Deal efficiently and effectively with complaints.

Dealing effectively and efficiently with complaints

26. The Judicial Service takes complaints of corruption extremely seriously and submits anyone against whom a valid complaint is made to a disciplinary process in terms of the law and, in the case of Superior Court Judges (sitting in the High Court and above) in terms of the impeachment procedure set out in the Constitution.

27. Steps are also underway and will be intensified to ensure that all Judges, Magistrates and Staff are aware of the disciplinary procedures and the penalties they may face, through a revision of the Conditions of Service and Codes of Conduct.

IV. Comments by the Commission on Human Rights and Administrative Justice (CHRAJ)

Paragraph 73

28. Criminal prosecution of corruption cases is the preserve of the Attorney-General and Minister of Justice as stipulated under Article 88 of the 1992 Constitution.

29. CHRAJ's mandate does not extend to criminal prosecution by virtue of the above mentioned constitutional stipulation. Nevertheless, CHRAJ has a record of investigating corruption cases involving high profile public officials, including Ministers of State as well as incumbent Presidents (e.g Presidents John Agyekum Kuffour and John Mahama). The outcome of such 'high profile' investigations has led to resignations of certain public officials.

30. The Special Rapporteur relied on findings of research/article by Kwame Asamoah and Emmanuel Ababio Ofosu-Mensah, titled '*Fruitlessness of Anti-Corruption Agencies: Lessons from the Commission on Human Rights and Administrative Justice in Ghana (2018) Journal*

of Asian and African Studies' (see footnote 76), which sought to justify the inability of CHRAJ to make effective use of its anti-corruption mandate.

Issues/reasons attributed to make effective use of its anti-corruption CHRAJ mandate

31. According to the authors of the article (Kwame Asamoah and Emmanuel Ababio Ofosu-Mensah) the inability or 'fruitlessness' of CHRAJ to effectively discharge its anti-corruption mandate stems from the following:

1. Recruitment and selection/appointment of the three Commissioners of CHRAJ, which are done by the President is bound to be abused in terms of the President appointing persons who are **perceived** to be politically loyal to him to the leadership of CHRAJ, thereby undermining the credibility and effectiveness of CHRAJ. The authors gave example of Commissioners who remain in acting capacities without confirmation to illustrate their assertion.

Response/Comment

32. This assertion is erroneous and misplaced in that, as in the case of the Commissioners, other heads and members of Constitutional Bodies with same independent status as CHRAJ, are appointed by the President in consultation/or upon the advice of the Council of State or the Judicial Council or Parliament as the case may be, in exercise of his prerogative under the Constitution. For example, under Article 70(1) and 144 of the Constitution respectively, the President appoints the Auditor-General, the Chief Justice and Justices of the Superior Courts (Appeal and High Courts) of judicature. The functions of these public officials directly relate to the fight against corruption. And as in the case of the Commissioners of CHRAJ, the independence of these public officials is guaranteed; also, under the Constitution, these public officials have security of tenure and are not subject to any form of control or direction by any authority, including the Executive.

33. The attribution by the authors regarding 'political loyalty and patronage' which tend to undermine the credibility of the Commissioners of CHRAJ therefore appears skewed and unsubstantiated in terms of empirical evidence. In any case, appointments of the above-mentioned public officials are almost invariably 'perceived' mainly be political parties (especially opposition parties) and politically biased people/activists as 'political rewards'. Such perceptions are not borne out of the facts and remain speculative.

34. It is worthy to state that, the current leadership of CHRAJ, who the authors made reference to are qualified and experienced lawyers of repute, who began their careers with CHRAJ since 1993 when the institution was established. The analyses of the authors failed to consider the experience and competence of these officers as well as those of the previous Commissioners who served in acting capacities.

2. Eroding popular confidence in the CHRAJ due to **perceived** lack of confidence on the part of the population regarding effective investigation of corruption cases by public officers. The authors cited the **'Mahama Ford Expedition'** to indicate that ***"most people'*** *felt the ruling was meant to protect the President from possible prosecution".*

Response/Comments

35. This attribution is linked to the above attributions and the response/comments proffered thereon. Nevertheless, it is important to emphasize that, in spite of the research/article being authored as recently as 2018, the authors chose to make reference to the "Mahama Ford Expedition" case, which was investigated by CHRAJ in 2016. As usual, the perceived lack of confidence by 'most people' in CHRAJ's investigation was largely driven by concerns raised politically by the then main opposition political party, the New Patriotic Party (NPP). Therefore, the 'most people' attribution is empirically flawed on grounds of methodology/approach adopted at arriving at such an emphatic conclusion.

36. Again, it is worth indicating that, the authors failed to discuss the most recent (2017) investigation involving allegations of conflict of interest in the issuance of Government of Ghana (GoG) bonds by Mr. Ken Ofori-Atta, the Minister of Finance under the NPP

administration. This investigation, which was carried out by CHRAJ was concluded in 2017 and the outcome exonerated the Minister of Finance. Interestingly, despite the investigations being concluded by CHRAJ in 2017, the authors, whose research/article was authored in 2018, failed to analyze this major development after the "Mahama Ford Expedition" case. The National Democratic Congress (NDC) was the governing party during CHRAJ's investigation into the "Mahama Ford Expedition" case. The NDC is now the main opposition political party and has similarly raised concerns politically regarding CHRAJ's exoneration of the Minister of Finance.

37. From the foregoing comments, it is obvious that the outcome of investigations of high public officials, who happen to be political appointees, by CHRAJ is characteristically unduly politicized by the two main political parties – ie NPP and NDC. It is therefore rather difficult to fathom the motivation of the authors to overlook such developments, which obfuscate and blur the fight against corruption in Ghana. In this regard, it is reasonably fair to state that the authors' attribution of 'political loyalty and patronage' relative to "The Mahama Ford Expedition" case is factually baseless resulting in absurd and skewed findings/conclusions of lack of political neutrality on the part of CHRAJ.

38. Furthermore, it is important to state that, the attribution of 'political loyalty and patronage' by the authors did not take into account the political polarization which has been the bane of Ghana's democratic and governance practice since the inception of the Fourth Republic.

39. Lastly, it is worthy of note that the anti-corruption mandate of the CHRAJ comprises the following functions:

- To investigate complaints of corruption under Article 218(a) of the Constitution;
- To investigate all instances of alleged or suspected corruption and the misappropriation of public moneys by officials, and to take appropriate action including reports to the Attorney-General and the Auditor-General;
- Ton investigate an allegation that a public officer has contravened or has not complied with a provision of Chapter 24 of the Constitution (Code of Conduct for Public Officers) – article of the Constitution, and
- To investigate disclosures of impropriety and protect whistleblowers from victimization under the Whistleblowers Act 2006 (Act 720)

40. In terms of Article 218 (a) and 218 (e) of the Constitution, the Supreme Court has determined that CHRAJ can only investigate matters under Article 218(a) and Chapter 24 including infringement of the assets declaration provisions of the Constitution when there is a complaint from a. identified person.

41. Because of the rising perception of corruption in Ghana, the over-politicisation of corruption and crime, which has also affected many professionals and researchers, there appears to be unrealistic expectations of the Commission as to what it can do. Some expect the Commission to perform functions that it has no mandate to perform such as prosecution, arresting of suspects and putting same in jail as the authors seem to suggest.

42. It is admitted that just as any other public sector institution in the country, CHRAJ has challenges but that does not render the Commission unable to make effective its anti-corruption mandate. Indeed, to some other people and organisations with Independent and objective minds, CHRAJ is doing its best.

43. As late as 2014, CHRAJ was assessed the most trusted institution among four institutions surveyed (National Peace Council, Electoral Commission, Law Courts, District Assembly): ***Source: Governance and Peace Poll in Ghana, 2014***.

44. Earlier, others assessed CHRAJ, as *an important actor in the process of democratization in Ghana, is "critical ....in the promotion of good governance and accountability."* see The Africa Peer Review Mechanism Report on Ghana, 2005.

45. According to a study by CDD-Ghana, CHRAJ represents the 'conscience' of the nation, and is considered the most trusted institution – whether public or private in Ghana. *Source: CDD-Ghana.*

46. The International Council on Human Rights, Geneva, found that "*The CHRAJ has succeeded in winning a high degree of public legitimacy. This primarily derives, without question, from its willingness to hold senior public figures to account over sensitive matters such* ***as corruption***".

47. It is our view that a Commission that is unable to execute its mandate cannot receive these positive evaluations from these institutions both in and outside Ghana.

3. Logistical constraints due to poor budgetary support and lack of resources. Examples cited by the authors include overstained capacity due to the following: manifold/triple mandate of CHRAJ; poor conditions of service (including relatively low salaries of staff) and high rate of staff attrition, especially the professional class; the need, as an Ombudsman, for CHRAJ's staff to be trained in interviewing techniques, analysis of complex cases, report writing, understanding the machinery of government and knowledge of laws, regulations and procedures of legal and judicial institutions.

Response/Comment

48. It is true that CHRAJ has a number of logistical and budgetary constraints as is the case with most public service institutions. However, the findings/conclusions of the authors did not take into account major developments in terms of improvements over the years in terms of logistical and budgetary support to CHRAJ by the Government of Ghana. Furthermore, it is important to indicate that the Government of Ghana has supported CHRAJ towards implementation of the National Anti-Corruption Action Plan (NACAP) 2015-2024 with specific allocations for goods and services as well as capital expenditure. The goods and service budget of the Commission has seen great improvement while funds have been released for purchase of vehicles and other office equipment. The Commission's Head Office is presently benefitting from a GHc 17,000,000.00 contract award for the reconstruction of parts that were affected by fire by the Government of Ghana.

49. Regarding the conditions of service of staff, the introduction of the single spine salary structure has led to improved salaries of staff. Specifically, in order to deal with the high rate of staff attrition among the professional class, especially legal officers, since January 2017, legal officers have been placed on the same salaries and conditions of service as their counterparts in the legal service (i.e the Attorney-General's Department and judges of the Lower Bench).

50. Again, the research findings did not take into account continuous internal and external capacity building programmes in the areas of administrative justice (Ombudsman) and anti-corruption which CHRAJ has been organizing for its staff covering the above core skills and competencies identified by the authors. As a result, the findings/conclusions are not adequately informed by facts and therefore cannot be accurate.

4. Limited powers which makes it mandatory for CHRAJ to report its findings and recommendations relative to abuse of office, corruption, etc to the Attorney-General. In essence, CHRAJ is precluded from prosecution of public officials.

Response/Comment

51. As stated above, CHRAJ has no legal mandate for criminal prosecutions of public officials against whom adverse findings have been made after its investigations.

5. Appearance of institutional laxities despite the enactment of the Public Office Holder Declaration of Assets and Disqualification Act, 1998 (Act 550) and the Directive Principles of State Policy aimed at combatting abuse of power and corruption. Act 550 does not specify the individual or organisation responsible for verifying the declaration of asses. And until CHRAJ is clothed with the necessary legal mandate, it cannot pursue social justice in this regard.

Response/Comment

52. Section 8 of Act 550, which is almost a reproduction of Article 287 of the Constitution on "Complaints in respect of contravention" mandates the Commissioner to cause to be investigated. "*An allegation that a public officer has contravened or has not complied with a provision of Part I of the Act 550 unless the person concerned makes a written admission of the contravention or non-compliance of Part I of the Act*". Part I deals with declaration of assets and failure to declare assets, which are regarded as infringement of the Act.

53. The Commissioner is also to take such action, as he considers appropriate in respect of the results of the investigation or the admission. In the investigation of the matters referred to, the Commission may request to be produced in evidence before it a copy of the declaration deposited at the Auditor-General's. The Commission has no mandate to receive any declarations, neither does it have the power to verify any assets declared. In fact, it is also argued that the fact that the Auditor-General receives the declaration, it should be the responsibility of the Auditor-General to verify the declarations. Indeed, Parliament objected to draft legislative instrument (L.I) laid before it, which sought to empower the Auditor-General to verify declarations, as unconstitutional. These are the roles, which the lawmaker deemed necessary for CHRAJ under Act 550.

54. Generally, it has been acknowledged long before the authors' research that there are weaknesses in Ghana's assets disclosure regime and lack of verification of assets declared as one of such weaknesses. Therefore, the problem appears to be constitutional and not the "laxity of institutions".

55. There is evidence that since 1993, the CHRAJ has done extremely well in the enforcement of Chapter 24 of the Constitution on the Code of Conduct for Public Officers, based on which Act 550 was passed to ensure effective implementation of Article 286 of the Constitution. A few examples will suffice.

56. The Commission issued Guidelines on Conflict of Interest to Assist Public Officials Identify, Manage and Resolve Conflicts of Interest in 2006. This was followed by an elaboration of Chapter 24 by the production of a Generic Code of Conduct for Public Officers in 2009. These measures and others formed the basis for the launching of a Public Service Integrity Programme in 2016.

57. Furthermore, the Commission has investigated several cases of illegal acquisition of wealth by public officers, a conduct that flows directly from Act 550. In fact, recommendations from its investigations have led to some of the measures already mentioned above. It has also trained and retrained its investigators on investigating illegal acquisition of wealth and it is leading discussions, following the review of the implementation of the United Nations Convention against Corruption by Ghana, to criminalize illegal acquisition of wealth.

58. The Commission believes that the conclusion by the authors was based on either ignorance or ill motive.

General Comments

59. In addition to the above responses/comments, it is worth commenting generally on issues hinging on effectiveness of CHRAJ in combatting corruption, which were not addressed by the authors in their research/article, but have been addressed specifically by both the Constitution Review Commission (CRC) in its recommendations of December 2011, which were accepted for implementation by then Government of NDC headed by the then President John Evans Atta-Mills, as well as the National Anti-Corruption Action Plan 2015-2024.

Constitution Review Commission (CRC)

60. Recommendations of the CRC include the following:

i. The appointment of the leadership of Independent Constitutional Bodies (ICBs) such as CHRAJ, National Commission for Civic Education (NCCE), Electoral Commission (EC), and the Auditor-General should be appointed by

the President, in consultation with the Council of State with the prior approval of Parliament.

ii. On appointments, the CRC further recommends that Commissioners of CHRAJ should be expanded to 5 with 3 of the Commissioners particularly to be responsible for the 3 broad mandates of CHRAJ – i.e human rights, administration of justice and anti-corruption.

iii. Mindful of the logistical and budgetary constraints of the ICBs, the CRC recommended the establishment of an independent Constitutional Bodies Fund or a Democracy Fund to be administered independently by and administrator.

iv. In response to the lack of prosecutorial powers by CHRAJ, the CRC recommended that CHRAJ be empowered legally to have its decisions directly enforceable by registration in the Courts. In the same vein, the CRC recommended that CHRAJ's findings and recommendations should be binding, subject to appeal within one month.

National Anti-Corruption Action Plan (NACAP)

61. NACAP serves as the national policy document developed under the auspices of CHRAJ and adopted by the Parliament of Ghana in July 2014 as the national strategic document for combatting corruption.

62. NACAP adopts a long-term three-prong strategy to fight corruption namely (a) Prevention; (b) Education; and (c) Investigation and Enforcement.

63. NACAP was formulated through a comprehensive national consultative process which involved state and non-state actor. Its implementation involves the private sector, particularly business and the investment community represented by the Association of Ghana Industries (AGI), Ghana National Chamber of Commerce and Industry (GNCCI), Private Enterprise Foundation (PEF), Ghana Employers' Association, etc. It is expected that the payment of 'facilitation fees' and illegal extortion of money from businesses and investors can be addressed through these representative bodies.

64. To effectively prosecute corruption cases, NACAP recommended the establishment of an Independent Prosecution Authority which has been implemented through the establishment of the Office of the Special Prosecutor.

V. Observations by the Ministry of Gender, Children and Social Protection

65. There is a five-year strategic plan currently in place for ending child marriage.

Paragraph 36

66. Head porter constitutes a very small percentage of women working in the informal sector.

Paragraph 37

67. An affirmation Action Bill to improve women's participation in decision was submitted in December, 2017 to cabinet for consideration and passage into law by Parliament.

68. A free Senior High School Education Programme as well as science and mathematics clinics for girls are being implemented to ensure gender parity in secondary school education.

Paragraph 42

69. The National Council on Persons with Disability is creating a national database on Persons with Disabilities (PWDs) which will cover the entire country when completed.

Paragraph 56

70. The Ghana School Feeding Programme recruits caterers based on the Caterer Contracting Guidelines. The Guidelines require all available contracts to be advertised publicly for competitive bidding in line with the National Procurement Act. The current caterers of the programme were recruited based on the Guidelines.

71. There is a monitoring mechanism in place for the Ghana School Feeding Programme. The first line of monitoring is by the School Implementation Committee led by the Chair of the Parent Teacher Association and the School Prefects (boys and girls). The second line is by the Zonal Coordinators who undertake visits to schools to monitor the preparation, quality, quantity and serving of the food. Spot checks are under taken at the regional and national levels to ensure compliance to the Contracting Guidelines as a third level of monitoring.

72. The Programme has contributed to school enrollment and retention in beneficiary communities. The Government has also expanded the school feeding program from 1,671,777 to 2,174,000. The programme provided employment to 24,000 people in beneficiary communities.

Paragraph 58

73. On the issue of the Programme being lauded internationally and facing various problems, the underlisted problem mentioned in the Special Rapporteur's report has witnessed significant improvement. Furthermore, measures are in place to better improve the programme. Actions taken to tackle each problem mentioned are listed below:

i. On the Programme reaching one in every eight of the 6.3 million people living in poverty, this assertion is not factual because the LEAP Programme targets extremely poor households and not the poor in general. Again, the number of the extremely poor population according to the Ghana Living Standards Survey (GLSS 6) is 2.2million. The LEAP currently covers 42% of that 2.2 million of that extreme poor population.

ii. The assertion that the targeting is both somewhat arbitrary and in practice generally reflects the outcome of one-time survey undertaken some years earlier is inaccurate. The reason is the LEAP Programme has a clear cut methodology and process for targeting its beneficiaries using the Proxy Means Test (PMT), Community validation and enrollment. These do not provide any opportunity for arbitrary targeting as it is being misrepresented.

iii. On the issue of the selection of communities appearing not to have been immune from party political considerations; this is misleading and the Special Rapporteurs does not seem to appreciate the efforts and technical work done to insulate the targeting from political considerations and interference. It should be reiterated that the LEAP Programme uses poverty data by the Ghana Statistical Service (GSS) in the selection of beneficiary districts and communities. Where there is no data by the GSS, a clear cut set of indicators are deployed to rank and select beneficiary communities based on their poverty profiles.

iv. The LEAP database is regularly updated by the Programme as against the assertion in the report that this is not regularly updated. The evidence in the LEAP Management Information System can be verified to support this.

v. The indication that there is no meaningful process for appealing against exclusion from the Programme, notwithstanding the creation of a hotline is again misleading. The Programme has a Case Management Unit which manages cases, complaints and grievances and this is supported by a manual and also manned by staff for the purpose. Over the period, the Unit has received a number of cases and has resolved them. The LEAP Case Management modules will eventually be integrated into the Single Window System of the Ministry. LEAP has its own mechanism of resolving cases. It is also not true that the hotline is the mechanism used by LEAP to resolve cases. The hotline (The Helpline of Hope) is an

initiative established by the Ministry to receive cases and coordinate referrals to appropriate Departments.

vi. With respect to the assertion that, "The monthly grant between GHc32 and GHc53 depending on the number of beneficiaries in the household, are increasingly inadequate with the median transfer representing only 13% of household consumption or less than 6 days of food per month"

74. The value of the Bi-Monthly grants and not monthly (as indicated) paid to beneficiaries ranges from GHc 64.00 to GHc 106.00, depending on the number of beneficiaries in the household represents 18% of household consumption and not 13% and not less than 6 days. This is supported by an Impact Evaluation Research conducted on the LEAP Programme by the Institute for Social and Economic Research (ISSER) of the University of Ghana and the University of North Carolina (UNC) in 2016.

Paragraph 59

75. The Government plans to expand LEAP to cover 500,000 households by end 2018. The Special Rapporteur's claim is misleading because the target for the Programme in 2018 is 456,000 households and not 500,000 households as indicated.

76. The plans to "graduate" large number of LEAP recipients so that they can move off the Programme and become self – sufficient is misleading. The programme will not carry out an unplanned graduation as being portrayed. The graduation of beneficiaries will be preceded by a recertification of the current LEAP beneficiaries to determine those who will fall above the extreme poverty line, graduate them from the cash transfer and link them to productive inclusion and livelihood creation interventions (this will include orphans and vulnerable children above 18 years). However, persons who are recertified to be below the extreme poverty line such as severely disabled persons and persons 65 years old and or above, who have no means of support will remain on the cash transfer.

77. The issue of "hand Up" rather than "handout" being rhetoric is being misconstrued in the Special Rapporteur's report. "Hand up" in this context connotes empowering the LEAP beneficiaries beyond cash transfers. In other words, beneficiaries who receive the cash transfer will be provided with productive and financial inclusion services so that they can eventually leap out of poverty.

Paragraph 60

Coordination of Social Protection Interventions

78. Ghana has over the years put mechanisms in place to improve the coordination of Social Protection interventions by harmonization of and cooperation in planning, budgeting, targeting, financing arrangements, monitoring, reporting and assessment of impact. Coordination Structure has been established at national, regional, district and community levels. Primarily, coordination is ensured through the operation of committees, plan preparation and reporting templates, creation of systems, instruments and agreements. Ultimately, coordination shall be facilitated by an appropriate legislative instrument.

79. Specific aspects of the institutional framework delivery include:

Social Protection Inter-Sectoral Technical Committee:

80. National level coordination of participating Ministries, Departments and Agencies (MDAs): achieving synchronized planning, budgeting and financial management through the common targeting mechanism; an integrated monitoring and reporting framework; a common results framework and the production of a consolidated annual report

Regional Social Protection Committee:

81. Coordination of regional level departments in monitoring, programme tracking, data-collection and analysis, technical backstopping and identification of synergies

District Social Protection Committee:

82. Coordination of implementation at the district level through a strengthened Metropolitan/Municipal/District Social Development (and Welfare) Department

83. Strengthening of district level inter-departmental and multi-stakeholder collaboration through operationalization of an inter-service and sectoral collaboration and cooperation mechanism including memoranda of understanding (MOU) to share logistics, staff and other resources for social protection and welfare activities

Community Social Protection:

84. Synchronized implementation of social protection and welfare programmes at the community and household levels through integrated social services;

85. Consistent efforts to harmonize and integrate community level beneficiary support structures to track and follow-up on initiatives to enhance beneficiary access (including expanding the role of beneficiary welfare associations)

86. The Government of Ghana is also improving coordination by strengthening operational efficiency within the social protection sector through the establishment of a common SP system. Steps have been taken to build systems to improve the efficiency, effectiveness and transparency of the social protection interventions in Ghana.

87. This is done through the creation or development of the following:

- Ghana National Household Registry
- Single Window Case Management System
- National monitoring and evaluation system.

The Ghana National Household Registry

88. The objective of this is to oversee the establishment, maintenance, and use of the Ghana National Household Registry (GNHR) which will provide socio-economic information on every household in the country towards improving the effectiveness and efficiency of targeting under social protection programmes. The MoGCSP has mandated the use of the GNHR, which would be used by all social protection programmes to target or verify beneficiaries according to poverty levels. Given current fiscal constraints, the use of the GNHR will ensure that benefits accrue to the poorest and most vulnerable populations in the country. This system would also serve as a coordination platform towards creating an integrated social protection system for the country, by serving as a repository for tracking social protection coverage among the poor and vulnerable, thus strengthening social policy development.

89. So far, the GNHR has been able to successfully gather household data for the Upper West and Upper East Regions. Within the last week a dissemination of the Upper West Data was held in Wa. The Ghana National Household Registry (GNHR) when scaled up will serve as a single comprehensive database for targeting and enrolling people onto the various Social Intervention Programmes.

Social Protection Single Window Citizens Service

90. As part of efforts to increase coordination among Social Protection (SP) programmes, the Social Protection Single Window Citizens Service has been established under the auspices of the Ministry of Gender, Children and Social Protection (MoGCSP). The Single Window Citizens Service is a system that is designed to provide a single-entry point for the 5 flagship SP Programs and other social issues such as human trafficking, forms of abuse such as rape, domestic violence, child abuse and mental health issues. The system will track and ensure prompt redress to beneficiary and stakeholder complaints on the quality of service delivery. It would also link poor and vulnerable persons to existing welfare and social protection programmes. By this system, complaints of citizens and steps taken to provide solutions can be tracked effectively. It is also to improve our social accountability drive.

Monitoring and Evaluation System

91. Another major component needed to track progress among the multiple inter-ministerial system of implementation of SP programmes for required results is a robust overarching Monitoring and Evaluation Framework. This framework is to provide a system for ensuring effective and efficient use of resources as we forge to support the less privileged in our society. It is also to ensure that policy decisions taken by government and its stakeholders are well grounded with data evidence. The SP M&E Framework will also foster effective coordination among the key social protection actors especially the five main flagship programmes. This has been validated with stakeholders and about to be used.

92. The above have been put in place to improve coordination, for efficiency, reduction of duplication and the benefits of synergy and multiplier effects and avoid fragmentation of programmes. The Government of Ghana recognizes the development of a robust integrated joint approach and coherent social protection system as key to the effective delivery of social protection delivery in Ghana.

VI. Responses from the National Council on Persons with Disabilities

Paragraph 42

93. Persons with disabilities and their representative Organisations are of the view that the figure of 737,744 as population of Persons with disabilities in the 2010 Ghana Population and Housing Census is on the low side.

94. However, there has not been any scientific survey to determine the accurate number of Persons with disabilities in Ghana. In order to obtain the accurate number, the National Council on Persons with Disability (NCPD) collaborated with the Office of the District Assemblies Common Fund, Disabled People's Organisations (DPOs) and Metropolitan, Municipal and District Assemblies (MMDAs) to do a head count in 2017. The disaggregation of the data is ongoing.

95. The NCPD has had meetings with the Ghana Statistical Service and the Ghana National Household Registry on how to assist to obtain accurate data on Persons with disabilities.

96. In order to deal with negative perception of disability which is the result of cultural and traditional beliefs, awareness raising campaign are being undertaken in schools, religious institutions, communities, the media fight against abuses, discrimination and stigmatization of Persons with disabilities.

97. On challenges facing Persons with psychosocial disabilities, the Mental Health Authority is working with the authorities in the psychiatric hospitals and the prayer camps to deal with the situations. Efforts are being made to improve the conditions at the psychiatric hospitals. Mental Health Personnel are visiting the camps to educate them on the proper management of Persons with psycho-social problems so as to avoid abuses.

98. Communities are being sensitized on Mental Health so as to reduce abuses, stigmatization and discrimination. Management of Persons with psycho-social disabilities in communities is being encouraged by the Mental Health Authority.

99. To deal with the poverty situation Persons with disabilities encounter, the Government has introduced the Disability Fund which provides economic empowerment for them. The Fund provided skill training, tools, start-up capital for Persons with disabilities. A portion need to pay the fees of students with disabilities, especially those in tertiary institution. Since 2013, the Government has disbursed Ghȼ85,559,561.45 as support to a number of Persons with disabilities.

100. Under the Livelihood Empowerment Against Poverty (LEAP) programme Ghȼ156,768.00 Persons with disabilities are benefiting from direct cash transfer. These beneficiaries are registered free of charge under the National Health Insurance Scheme (NHIS).

Paragraph 43

101. Education is being used as a tool to unearth and develop the talents of Persons with disabilities. The Government of Ghana has established the Special Education Division within the Ghana Education Service to address the needs of children with learning difficulties including those with disabilities.

102. The Division has established sixty-six (66) Special Schools. Currently, eighteen thousand, three hundred and ten (18,310) children with special needs including those with disabilities have been enrolled.

103. Government of Ghana has develop the Ghana Accessibility Standard for the Built environment (GASB). Its aim is to guide developers, designers and other persons involved in the built environment process in incorporating accessibility principles in all stages of planning, design and execution.

104. The Ministry of Works and Housing has adopted GASB and discussions are ongoing to make the provisions therein an integral part of Ghana's building code.

Target policies and social protection programmes such as the LEAP, Disability Fund, NHIS are being pursued.